

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
)	
Lifeline and Link Up Reform and)	
Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for)	
Universal Service Support)	WC Docket No. 09-197
)	
Connect America Fund)	WC Docket No. 10-90
_____)	

**COMMENTS OF PREPAID WIRELESS RETAIL, LLC
ON LIFELINE AND LINK UP REFORM AND MODERNIZATION**

Prepaid Wireless Retail, LLC, dba, Odin Mobile, by its attorney, hereby comments on the *Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, And Memorandum Opinion and Order*.¹

Introduction

Odin Mobile is the first wireless provider to focus exclusively on providing service to individuals who are blind. It does this with a combination of unique accessible handsets, enhanced customer service – including access to an accessibility specialist – and low cost rate plans that are attractive to people on a budget, and who place a relatively small number of calls, such as seniors.

¹ FCC 11-42, 09-197, 10-90, released June 22, 2015 (“Second Further Notice”).

Odin Mobile sells its handsets to governmental agencies, non-profit organizations and for-profit companies. For example, the U.S. Department of Veterans Affairs' eye clinics purchase the ODIN VI, an accessible feature phone, for blind veterans. State governmental agencies in Maryland, Missouri, California, Colorado and Arkansas have purchased devices. Non-profit organizations, such as Perkins Solutions, the Chicago Lighthouse for the Blind, Wisconsin Counsel of the Blind, Sight Connection, the Southern Arizona Association for the Visually Impaired and the Center for Vision Enhancement, have also made Odin Mobile's unique phones available to their blind consumers.

Odin Mobile's best-selling device, the ODIN VI, is the only GSM feature phone offered in this country that is entirely accessible to individuals who are blind. Odin Mobile has also made available a unique smart phone solution, called the Claria Vox, which converts a touch screen into a tactile device.

As a result of its contributions, Odin Mobile was a recipient of the 2015 Access Award, which is awarded by the American Foundation for the Blind, and recognizes companies or organizations that eliminate or substantially reduce inequities faced by people with vision loss.

Odin Mobile commends the Commission for seeking comment "on how to ensure the benefits of broadband reach low-income individuals with disabilities,"² as well for asking whether there are "unique outreach efforts or eligibility initiatives targeted towards individuals with disabilities that ensure the benefits of broadband are utilized by this Community?"³ Odin Mobile's comments will focus primarily on these questions.

² *Id.* ¶ 28.

³ *Id.*

I. The Benefits of Broadband to Persons with Disabilities

The Second Further Notice correctly states that “[t]he benefits of broadband to individuals with disabilities are countless . . .” Individuals who are disabled benefit from broadband in the same ways as everyone else . . . *and more*. A person who is disabled can use broadband to apply for a job, *as well as* to help them overcome the difficult challenges created by their disability. For example, people who are deaf or hard of hearing use broadband to communicate through video relay service (VRS); individuals who are blind use broadband and mobile applications to identify objects, listen to audio books, navigate the streets, identify the value of their bills and convert text on a menu or newspaper into speech; and quadriplegics can use a mobile application to turn off the lights, increase the temperature in their homes, listen to music and make a simple phone call, hands free. Thus, broadband allows people who suffer from a serious disability to overcome many of its limitations, making it a truly transformative tool.

Access to broadband can also have important health benefits. A study commissioned by the U.S. Chamber of Commerce concluded that “[o]verall by gaining timely and reliable information regarding individual conditions, many people with disabilities . . . are able to self-diagnose, self-treat in certain situations, and, increasingly, communicate more effectively with their health care providers.”⁴ The paper further provided that broadband allows people with disabilities to take advantage of telemedicine, with significant health benefits and large cost savings.⁵ Significantly, “[a]ccording to one estimate, broadband-enabled health and medical

⁴ *The Impact of Broadband on People with Disabilities*, a Study Commissioned by the U.S. Chamber of Commerce, at 33 (Dec. 2009).

⁵ *See Id.* at 33-35.

services can save some \$927 billion [by 2030] in healthcare costs for seniors and people with disabilities.”⁶

Access to the internet can contribute to greater social interaction and integration. A recent study observed that “having access to smartphones and their associated software enabled persons with SCI [(i.e., spinal cord injury)] to connect with friends and family . . . cellphone ownership is associated with greater social integration. In some cases, social media allows persons with SCI to connect with strangers online undergoing similar challenges, and serves as a basis for social support.”⁷

II. Increasing Broadband Adoption by Persons With Disabilities is Critical to Increasing Broadband Adoption Generally

To significantly increase broadband adoption generally, the Commission *must* focus on people with disabilities. The Commission’s National Broadband Plan (the “NBP”) found that “[a]n important and cross-cutting issue is accessibility for people with disabilities. Some 39 percent of all non-adopters have a disability, much higher than the 24 percent of overall survey respondents who have a disability.”⁸ Accordingly, a significant percentage of non-adopters are disabled. Examining the same issue from a different perspective, PEW Internet found that 41 percent of adults living with a disability have broadband at home, compared with 69 percent of those without a disability.⁹

⁶ *Id.* at 35.

⁷ See Dr. Andrew Matter, Dr. Sander Hitzig and Dr. Colleen McGillivray, *A Qualitative Study on the Use of Personal Information Technology by Persons with Spinal Cord Injury*, Journal of Disability and Rehabilitation (Published online September 26, 2014).

⁸ *Connecting America: A National Broadband Plan*, at 169.

⁹ See *Digital Differences*, Pew Internet, at 11 (2012).

This proceeding provides the Commission a unique opportunity to increase broadband adoption by people with disabilities specifically, and consequently, increase the broadband adoption rate in the population generally.

III. The Commission Should Add Eligibility Criteria Targeted Towards People with Disabilities

In order for the Lifeline program to have a significant impact on broadband adoption by people with disabilities, the Commission must address the unique challenges faced by disabled Americans. These challenges include (but are certainly not limited to) (1) the accessibility and affordability of equipment used to access the internet, as well as (2) the fact that living with a disability burdens families with substantial expenses, not faced by others.

The unfortunate and unintended consequences of failing to consider the accessibility and affordability of equipment is apparent in the current Lifeline program. Wireless eligible telecommunications carriers provide Lifeline recipients free feature phones that are not accessible. Consequently, millions of blind Americans cannot benefit fully from wireless Lifeline service. Further, the number of fully accessible feature phones can be counted on one hand and are too expensive to offer to blind Lifeline recipients free of charge.

The Commission, in the NBP, recognized that the accessibility and affordability of equipment is crucial to broadband adoption by people with disabilities. The NBP explained that “[d]evices often are not designed to be accessible for people with disabilities,” and “[a]ssistive technologies are expensive (Braille displays, for example, can cost between \$3,500 and \$15,000).”¹⁰

¹⁰ NBP at 169.

An example of the additional expense associated with technologies that allow people with disabilities to access the internet is a new solution called the Sesame Phone.¹¹ The Sesame Phone is designed for people who cannot use their arms. It allows the user to control the device through head movements tracked by the front-facing camera. The solution works by installing special software on a standard android device. Thus, while someone without a disability can purchase the android device alone, the individual who is disabled must pay for the device, in addition to the software, which costs several hundred dollars.

Even when a person with a disability can purchase a standard device, that device is frequently, by necessity, a higher-end device. For example, the iPhone is highly regarded by individuals who are blind because of its excellent built-in screen reader. Android devices, unfortunately, are still viewed by the blind community as less accessible and more difficult to use. But the iPhone is a premium device that is out of the reach of many low income persons who are blind.

The Lifeline program, and its eligibility criteria, should also take into account the fact that persons who are disabled are burdened by unique expenses. The Commission takes this reality into account in the deaf-blind equipment distribution program, and logic dictates that it do so in the Lifeline program, as well.

In the deaf-blind equipment program, the Commission “sought comment on the appropriateness of applying to the NDBEDP [(i.e., the National Deaf Blind Equipment Distribution Program)] the definition of ‘qualifying low-income consumer’ that is used by the

¹¹ See <http://sesame-enable.com/phone/>.

Lifeline and Link up universal service programs.”¹² The Commission, recognizing that individuals who are deaf and blind have significantly higher expenses, and less disposable income than others, rejected the idea of applying the Lifeline income limit for the equipment program and adopted an income threshold of 400 percent, instead. The Commission reasoned that, “we *must* adopt an income threshold that takes into account these unusually high medical and disability-related expenses, which significantly lower one's disposable income.”¹³

Higher expenses and less disposable income is the norm for people with disabilities. For example, The National Spinal Cord Injury Statistical Center reports that the average health care and living expenses per individual associated with a “low tetraplegia” spinal cord injury in the first year is \$769,351. The average cost *each* subsequent year is \$113,423.¹⁴

With respect to blindness, one major study estimates that the total cost of eye disorders and vision loss in the United States, using the 2011 population, is \$139 billion per year.¹⁵ Fifty two percent of that total is incurred by individuals, rather than government agencies or insurance.¹⁶ While these cost figures include indirect costs, such as lost wages, the direct cost of vision loss and blindness is still a staggeringly high \$66.8 billion per year, and individuals pay \$15.45 billion of that total (governments and insurance pays the balance).¹⁷ Moreover, blind and visually impaired Americans spend approximately \$749,000,000 each year on assistive devices,

¹² *In the Matter of Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Notice of Proposed Rulemaking, 26 FCC Rcd 5640, ¶18 (2011).

¹³ *In the Matter of Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, Section 105, Relay Services for Deaf-Blind Individuals*, Report and Order, 26 FCC Rcd 5640, ¶36 (2011).

¹⁴ See <https://www.nscisc.uab.edu/Public/Facts%202015.pdf>.

¹⁵ See John Wittenborn and David Rein, NORC at the University of Chicago, *Cost of Vision Problems: The Economic Burden of Vision Loss and Eye Disorders in the United States*, at 2 (June 11, 2014).

¹⁶ See *Id.* at 59.

¹⁷ See *Id.*

alone.¹⁸ These are expenses that eat into disposable income, and which do not burden other Americans.

Individuals who are deaf or hard of hearing are burdened by significant additional expenses, as well. For example, hearing aids are generally not covered by medical insurance and typically cost between \$1,000 and \$6,000 per ear,¹⁹ and they typically need to be replaced within seven years.²⁰ Individuals who are deaf or hard of hearing also purchase assistive technology, such as alerting systems (e.g., doorbell alerts, baby signalers, smoke detectors ... etc), various types of amplifiers and vibrating products, such as bed shakers.

As discussed above, the Commission has recognized, in the deaf-blind equipment program that income limits should be different for people who are disabled. Other federal and state programs have also adjusted eligibility criteria for certain disability groups, or for individuals with disabilities, generally. For example, the Social Security Administration allows persons who are blind to receive disability benefits (SSDI) if they earn \$1,820 or less per month. On the other hand, the applicable limit for persons who are not blind is \$1,090 per month.²¹

On the State level, Missouri has a telephone assistance program specifically for people with disabilities. The program has eligibility criteria with higher income limits than those associated with the Lifeline program. In fact, a person is eligible for the disability program if they receive Veterans Administration Disability Benefits, which has no income limit whatsoever. And persons who are blind are eligible if they participate in the State Blind Pension, which is

¹⁸ *See Id.*

¹⁹ *See* Jen Christensen, CNN, Hearing Loss an 'Invisible,' and Widely Uninsured, Problem, <http://www.cnn.com/2012/07/10/health/hearing-aid-insurance/> (July 10, 2012).

²⁰ *See* Hearing Loss and Hearing Aids, Thomas Jefferson University, Sidney Kimmel Medical College, http://www.jefferson.edu/university/jmc/departments/otolaryngology/centers/balance_hearing/patient_info/hearing_loss.html.

²¹ *See* <http://www.ssa.gov/pubs/EN-05-10052.pdf>.

available to blind residents in Missouri if they are 1) *ineligible* to receive federal Supplemental Security Income benefits, and 2) meet certain asset limits.

The Lifeline program should adopt special eligibility criteria that target individuals with disabilities recognizing the two realities discussed above. Namely, that (1) equipment used by persons who are disabled is frequently unique and/or expensive, and (2) individuals who are disabled are burdened by higher expenses. The Commission can address both of these challenges by adding one eligibility criteria to the Lifeline program.

IV. Participants in State Equipment Distribution Programs Should be Eligible for Lifeline

Any person who receives equipment through a State equipment distribution program should qualify for Lifeline service. By way of background, these State programs provide communications equipment to persons who are disabled. Beyond this overarching purpose, however, the State programs differ considerably. For example, they may have different eligibility criteria and cover different types of equipment. Further, some States operate via a voucher system, while others are more prescriptive.

Adding the proposed eligibility criteria would solve three problems: (1) it would make equipment used to access the internet affordable to low-income persons with disabilities; (2) it would generally make it easier for low-income persons with disabilities to qualify for Lifeline service, in recognition of the fact that people with disabilities have lower disposable income; and (3) it would provide a highly effective means of making individuals with disabilities aware of the Lifeline program.

This proposed eligibility criteria should not, however, necessarily be available in every State. It should be available *only* in states whose programs include the following three elements:

first, the program must include equipment that supports broadband. This requirement will ensure that the state programs are modernized, like Lifeline, to facilitate broadband adoption by individuals with disabilities.

Second, the program must provide equipment to all major disability groups (i.e., hearing, vision and mobility). The majority of States provide equipment only to people who are deaf, hard of hearing or have a speech impairment. There is no policy rationale for subsidizing devices for individuals who are deaf, but not for individuals who are challenged by a vision or mobility disability. The NBP concluded that persons with disabilities, *as a whole*, access broadband less than others. There is no evidence of a particularly low adoption rate by people who are deaf or hard of hearing (as compared to individuals with other types of disabilities). Thus, in order to have a serious impact on broadband adoption by individuals who are disabled, the States should expand their programs, if necessary, to cover other disabilities.²²

Third, because Lifeline is designed to assist people with low income, the State programs must include income-based eligibility criteria. A number of State programs already include income-based eligibility criteria. Georgia's equipment program, for example, requires household income of less than 200 percent of the federal poverty guidelines. Indiana requires household income of less than \$71,000.00. Some States, such as Maryland, have program-based eligibility criteria that are tied to income. Other States, however, offer equipment to persons who are disabled regardless of income, and would need to adopt limits.²³

²² Note, that a number of state programs, including California, Texas, Missouri, Maryland and Arkansas, already provide equipment for people with a variety of disabilities.

²³ While the Commission should require that State programs adopt the three elements discussed herein, states should generally be afforded the flexibility to continue to structure their equipment programs as they determine best meets the needs of their residents. The Commission should not delve into the weeds of these programs, any more than it involves itself in Medicaid or Food Stamps. The key, from the Commission's vantage point, is that the State programs make available broadband equipment to low-income individuals who are disabled.

Allowing participants in State equipment programs to qualify for Lifeline would be a tremendous example of leveraging State programs, and the Commission's Lifeline program, to tackle a national challenge: broadband adoption by persons with disabilities. Neither program, on its own, can achieve what is possible by working in concert.

A. Adding this Eligibility Criteria Would Make Equipment Used to Access Broadband Affordable to Low-Income Persons With Disabilities

As discussed above, the Commission recognized, in the NBP, that the availability and affordability of equipment that allows individuals with disabilities to access the internet is an obstacle to broadband adoption. Recognizing that this is the case, a report that was part of the Commission's Omnibus Broadband Initiative Working Reports Series and Technical Paper Series, concluded that "[t]he government also should ensure that those who cannot afford AT [(i.e., assistive technology)] and who do not have access to AT through existing programs have federal support."²⁴ The report further recommended that "the FCC issue an NPRM on whether to establish separate subsidy programs to fund broadband services and AT under the TRS program."²⁵

There is no need, however, to expand the TRS program. By making low-income participants in State equipment programs eligible for Lifeline, *if* the State includes equipment that provides access to broadband, and *if* the State program covers the major disability groups, the Commission would provide the States a strong incentive to provide the needed broadband equipment.²⁶ This incentive derives from the fact that States would be allowed to adopt income-

²⁴ Lyle, Elizabeth, *A Giant Leap & A Big Deal: Delivering on the Promise of Equal Access to Broadband for People With Disabilities*, OBI Working Paper Series, No. 2, at 17 (April 2010).

²⁵ *Id.*

²⁶ States would decide the type of equipment (both broadband and basic) that their programs would provide, the value of the subsidy and the terms on which the equipment would be provided to disabled consumers (i.e., a loan or transfer of ownership).

based eligibility criteria for their equipment programs that are more expansive than those of the federal Lifeline program (discussed in greater detail below). Thus, by updating, and expanding, their equipment programs to include broadband equipment and the major disability groups, a greater number of their disabled residents would qualify for Lifeline, than would otherwise be the case. In addition, it would make the State programs more effective because low income individuals who receive the State subsidized equipment would not stop using the equipment due to the lack of affordability of the service.

B. Adding This Eligibility Criteria Would Make it Easier for people with Disabilities to Qualify for Lifeline

If the Commission added the proposed eligibility criteria, it would be somewhat easier for low-income individuals who are disabled to qualify for Lifeline; most state programs have eligibility criteria with higher income limits. This is as it should be since persons who are disabled have less disposable income.

Importantly, however, adding the eligibility criteria would have a modest impact on the Universal Service Fund. While there is no official data, Odin Mobile estimates that the State programs provide equipment to fewer than 300,000 persons annually. Even if State programs expanded to provide equipment to other disability groups, and to include equipment that supports broadband, the total number of people served by these programs would almost certainly be fewer than one million each year. *And some of these people qualify for Lifeline under the current Lifeline eligibility criteria.* Thus, adopting this proposal would not have a significant impact on the Universal Service Fund.

C. Adding this Eligibility Criteria Would Provide a Powerful Avenue for Informing Individuals With Disabilities About Lifeline

Adding this eligibility criteria will help inform disabled Americans about the Lifeline program. Informing individuals who are disabled about government programs can be challenging. Many individuals who are disabled are seniors and relatively isolated. If persons who receive equipment through the State equipment programs qualify for Lifeline, the State programs will have an incentive to inform those persons that they are also eligible for Lifeline.

It is not uncommon for State equipment programs to dedicate significant resources towards informing the public of their offerings. For example, in the fiscal year 2012 – 2013, the California equipment program reportedly conducted eleven marketing campaigns, six thousand three hundred and eighty three (6,383) outreach presentations to communities and nine thousand four hundred and twenty four (9,424) visits to consumers' homes. Presentations were made to doctors, audiologists, speech language pathologists and to Rotary and Lions Clubs, among others.²⁷

Less populous States similarly engage in significant outreach. For example, the New Mexico Commission for the Deaf and Hard of Hearing reports that, “[h]ealth and wellness fairs all over the state have proven to be positive places where participants learn more about the telecommunications equipment that NMCDHH provides. Outreach takes place, the information reaches every corner of the State from Raton, Clayton, Santa Fe, Gallup, Las Cruces and 5 of the 9 Central NM Pueblos.”²⁸

²⁷ See 2012 – 2013 *Annual Report for the California Deaf and Disabled Telecommunications Program, Keeping You connected* at 5.

²⁸ 2014 *Annual Report, New Mexico Commission for the Deaf and Hard of Hearing* at 24.

Adding the proposed eligibility criteria will allow the Lifeline program to piggy back on state outreach efforts. This benefit should not be underestimated. Currently, to Odin Mobile's knowledge, no wireless ETC makes significant efforts to inform individuals who are disabled about Lifeline.²⁹ And even if efforts were made, they could not replicate State efforts, in terms of scope or effectiveness.

V. Individuals Who Receive Pensions From the Department of Veterans Affairs Should be Eligible for Lifeline

The VA pension program “provides monthly benefit payments to certain wartime Veterans with financial need, and their survivors.”³⁰ It is a “needs-based benefit” and a Veteran is eligible only if his or her income is below a certain level and they meet net worth limitations.³¹ Consequently, as suggested by the Commission in the Second Further Notice, the VA program qualifies as a federal low income program and should be included in the Lifeline eligibility criteria.

Adding this disability criteria would *also* help people with disabilities. In order to qualify for the pension program, a Veteran must satisfy income and asset limits, and *also* be “65 or older, or is shown by evidence to have a permanent and total non-service-connected disability, or is a patient in a nursing home, or is receiving Social Security Disability benefits.”³² Further, increased monthly pension amounts may be paid to a Veteran if they have “corrected visual

²⁹ Odin Mobile, whose purpose it is to service individuals who are blind, would make such an effort if it's compliance plan was approved and it was designated an ETC by State public utility commissions.

³⁰ Pension Benefits, U.S. Department of Veterans Affairs,
http://www.va.gov/OGC/docs/Accred/PensionProgram_Representation.pdf

³¹ *Id.*

³² *Id.*

acuity of 5/200 or less, in both eyes,” or meet other eligibility criteria.³³ Therefore, many of the qualifying Veterans will also be disabled.

Many qualifying Veterans can be made aware of Lifeline through VA hospitals that purchase telecommunications equipment and assistive technology for their disabled patients. As an example, VA hospitals purchase equipment, including iPhones, iPads and Odin Mobile’s basic feature phone, the ODIN VI, for their blind Veterans. The VA, however, does not subsidize service. Including the VA pension as a qualifying eligibility criteria would allow certain disabled and low-income Veterans to receive equipment from the VA, as well as subsidized service from an eligible telecommunications carrier.

Finally, if a Commission objective is to make Lifeline service available to Veterans, including disabled veterans, it should promptly approve Odin Mobile’s compliance plan, as well as its petition to be designated an ETC in the federal default states. As stated above, the VA purchases Odin Mobile devices for blind Veterans, and Odin Mobile has wanted to provide Lifeline service to these Veterans for a long time. In fact, the Blinded Veterans Association wrote a letter in support of Odin Mobile’s efforts to provide Lifeline service to Veterans. Odin Mobile has the desire and the means to offer Lifeline service to qualifying disabled Veterans. Odin Mobile simply needs the Commission to allow it to do so.

³³ *Id.*

Conclusion

The Lifeline program was designed to assist the least fortunate among us. Many individuals who are disabled are not only poor, but chronically poor, as a result of circumstances beyond their control. If the Lifeline program should make a special effort to assist a particular demographic group, it should be individuals with disabilities. Yet, to date, the Commission has made no effort to ensure that disabled Americans benefit to the greatest extent possible from Lifeline. This proceeding provides the Commission with such an opportunity; Odin Mobile respectfully urges the Commission to make the most of it.

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August 31, 2015